1	IN THE UNITED STATES DISTRICT COURT	
2	FOR THE DISTRICT OF ALASKA	
3		
4	UNITED STATES OF AMERICA,	
5	Plaintiff,	
6	v.	Case No. 3:17-cr-00156-SLG-KFR
7	HEAVEN LEIGH ERICK,	
8	Defendant.	
9		
10	FINAL REPORT AND RECOMMENDATION UPON AN ADMISSION	
11	Upon Defendant's request to enter admissions, pursuant to Federal Rule of	
12	Criminal Procedure 32.1 and 18 U.S.C. § 3583, to Allegations One and Two of the	
13	Petition, [Doc. 158], charging the following violations:	
14	1. Allegation One: Failure to participate in a formal drug treatment program on	
15	February 21, 2023; February 28, 2023; and March 7, 2023, in violation of	
16	condition requiring such participation; and	
17	2. Allegation Two: Tampering with an ankle monitor by placing tinfoil around	
18	the unit on or about March 11, 2023, in violation of the condition requiring a	
19	60-day curfew program with an electronic monitoring or other location	
20	verification component,	
21	this matter came before the Magistrate Judge, with the verbal consents of Defendant,	
22	counsel for Defendant, and counsel for the United States.	
23	The matter came before this Court for a hearing on Defendant's admission, in	
24	open court and on the record.	
25	In consideration of that hearing and the colloquy made by Defendant under	
26	oath, on the record, in the presence of counsel, and the remarks of the Assistant	
27	United States Attorney,	
28	//	

1 A. I make the following FINDINGS – that Defendant understands: 2 ☑ That any false statements made by Defendant under oath may later be 3 used against her in a prosecution for perjury; \boxtimes The right to deny the allegations; 4 5 ☑ The nature of the allegations against Defendant; ☐ The maximum possible sentence, including imprisonment, any 6 7 mandatory sentence of imprisonment, that supervision may follow a 8 term of imprisonment, and the applicable sentencing guideline range; 9 \square The right to a revocation hearing; 10 ⊠ The right to be represented by counsel and, if necessary, to have the court appoint counsel at trial, and at every other stage of the 11 12 proceedings; 13 ☑ The right to: confront and cross-examine adverse witnesses, to remain silent, to testify and present evidence, and to compel the attendance of 14 15 witnesses; 16 ☑ That an admission operates as a waiver of hearing rights; 17 ☐ That Defendant knowingly, intelligently, and voluntarily waives all right 18 to appeal or collaterally attack (except on the grounds of ineffective 19 assistance of counsel and the voluntariness of her admissions); and 20 ☑ That in determining a sentence, the court's obligation to calculate the 21 applicable sentencing guideline range pursuant to the Sentencing 22 Guidelines promulgated by the United States Sentencing Commission 23 and to consider that range, as well as departures under the Sentencing 24 Guidelines, and variances under 18 U.S.C. §3583(e). 25 // 26 // 27 // 28

1 B. I further FIND: 2 1. Defendant is competent to enter informed admissions; 3 2. Defendant is aware of her rights and has had the advice of legal counsel; 4 3. That the admissions by Defendant have been knowingly and voluntarily 5 made and is not the result of force, threats, or coercion; 4. There is no agreement between the parties in this open admission; and 6 7 5. That there is a factual basis for Defendant's admission. 8 B. I RECOMMEND: 9 ☑ That the District Court accept Defendant's admissions to Allegations One 10 and Two of the Petition. 11 D. IT IS ORDERED: 12 The Disposition Hearing will be held before a United States District Judge. 13 The parties jointly request a Disposition Hearing before a United States District 14 Judge the earliest available date. 15 DATED this 29th of March 2023, at Anchorage, Alaska. 16 17 s/ Kyle F. Reardon 18 KYLE F. REARDON United States Magistrate Judge 19 District of Alaska 20 21 This Report and Recommendation is being issued as a Final Report and 22 Recommendation. Pursuant to Fed. R. Crim P. 59(b)(3), any objections will be 23 considered by the District Court Judge who will accept, reject, or modify the 24 recommendation following de novo review. Any objections must be filed within 25 seven (7) days from the date of service of this Report and Recommendation. The 26 shortened objection deadline is due to the request of the District Court Judge. Fed. 27 R. Crim P. 59(b)(2) and D. Ak. L.M.R. 6(a) authorizes the court to alter the standard 28 objection deadlines.

Reports and recommendations are not appealable orders. Any notice of appeal pursuant to Fed. R. App. P. 4(a)(1) should not be filed until entry of the District Court's judgment.¹ ¹ See Hilliard v. Kincheloe, 796 F.2d 308 (9th Cir. 1986).